

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

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<b>In re:</b>	) <b>Case No. 08-35653</b>
	)
<b>CIRCUIT CITY STORES, INC.,</b>	) <b>Chapter 11</b>
	)
<b>Debtor.</b>	) <b>Response to Thirty-Third Omnibus Objection to Claims</b>
	)

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**RESPONSE TO THIRTY-THIRD OMNIBUS OBJECTION TO CLAIMS  
(MODIFICATION AND/OR RECLASSIFICATION OF CERTAIN CLAIMS)**

**(Claim No. 13950)**

CWCapital Asset Management LLC as Special Servicer for Bank of America, N.A. (successor by merger to LaSalle Bank, N.A.), as Trustee for the Holders of Nomura Asset Securities Corporation, Commercial Mortgage Pass-Through Certificates Series 1998-D6 (“Claimant”), by counsel, hereby files this response to the Debtors’ Thirty-Third Omnibus Objection to Claims (Modification and/or Reclassification of Certain Claims) and, in support thereof, states as follows:

1. On June 30, 2009, Claimant filed a request for payment of administrative expenses in the amount of \$145,636.38 for rent and related charges accruing post-petition under a lease with Circuit City Stores, Inc., for Store 3682, located at 109 Dunning Road, Orange County, New York (“Administrative Expense Request”). The Administrative Expense Request sets forth detailed information regarding the legal and factual bases for the Administrative Expense Request and includes the underlying lease documents as an attachment. The facts and claims set forth in the Administrative Expense Request are incorporated by reference as if fully set forth herein.

2. The claim has been identified by the Debtors’ claims agent, Kurtzman Carson Consultants, LLC (“KCC”), as Claim No. 13950.

3. KCC classified the Administrative Expense Request as “Admin Secured,” rather than as an administrative expense request. *See* KCC Creditor Data for Claim No. 13950,

attached hereto as Exhibit A. This classification is clearly an administrative error, as the Claimant's Administrative Expense Request does not assert a secured claim but rather a request for payment of an administrative expense.

4. Circuit City Stores, Inc. (the "Debtor") has objected to the Administrative Expense Request on the basis that it is not a secured claim and has requested that the Administrative Expense Request be reclassified as a general unsecured claim.

5. The Administrative Expense Request should not be reclassified as a general unsecured claim but should instead be classified as an administrative expense claim.

6. The Declaration of Demetrious Morakis in Support of Response to Debtors' Thirty-Third Objection to Claims is attached hereto as Exhibit B.

7. Any correspondence regarding the Administrative Expense Request should be directed to the undersigned counsel.

Based on the foregoing, Claimant requests that (i) the Debtors' Thirty-Third Objection to Claims be overruled with respect to the Administrative Expense Request (Claim No. 13950); (ii) the Administrative Expense Request (Claim No. 13950) be reclassified as an administrative expense claim; and (iii) for such other relief as is just and proper.

DATED: September 15, 2009

VENABLE LLP

/s/ Kristen E. Burgers

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*Counsel for CWC Capital Asset Management, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 15<sup>th</sup> day of September, 2009, the foregoing Response to the Debtors' Thirty-Third Objection to Claims (Modification and/or Reclassification of Certain Claims) was served electronically via the Court's CM/ECF system.

*/s/ Kristen E. Burgers*  
Kristen E. Burgers